

Serial No. 10/510,313**Atty. Doc. No. 2002P03971WOUS****REMARKS**

The Examiner has noted that a new oath or declaration is required. Claims 8-27 are pending in this application. Claims 8-15, 20-23, and 25-27 are rejected under 35 USC 102(b) as being anticipated by Kuchlin et al. Claims 8-19 are rejected under 35 USC 102(b) as being anticipated by WO 02/23290. Claims 16-19 and 24 are rejected under 35 USC 103(a) as being unpatentable over Kuchlin et al. as applied to claims 8, 9, 11, and 13 above, and further in view of WO 02/23290. Claims 20-27 are rejected under 35 USC 103(a) as being unpatentable over WO 02/23290 as applied to claims 8, 9, 11, 13, and 16 above, and further in view of Kuchlin et al.

Claim 8 is amended to clarify the invention over Kuchlin. Claim 28 is added to recite a specific architecture of Applicant's invention as shown in FIG 3. The term "software extension modules" used in new claim 28 is defined in the present specification as an expansion module that can be loaded, configured, started and ended directly by the Web server (paragraph 0021 near bottom). Claims 16 and 24 are cancelled. Thus, claims 8-15, 17-23, and 25-28 are presented for examination.

Kuchlin appears to implement a web server and a process control in layers that are reversed in comparison to those of Applicant. In Applicant's FIG 3 and in his description (top of page 9) the process control 61 is clearly installed on the web server 54 by means of a standard application control interface on the web server. In contrast, Kuchlin appears to install the web server on top of the control, per excerpts listed below.

Kuchlin page 116 section 3.2 item 4. - Internet technology: "We installed a Web-Server, discussed in section 4, on the HIGHROBOT control making the system accessible via the Internet."

Kuchlin page 117 first full paragraph: "Speaking in software terms, the remote system is a client program that interacts with a server application on the HIGHROBOT control."

This is a significant difference in architecture that allows the present invention to avoid the additional software interface and an extra layer of software that would be needed by Kuchlin for other server extension modules such as HTML, JAVA, XML, etc., since these modules would be two layers removed from the operating system. Furthermore, Kuchlin does not enable the Applicant's claimed architecture as required in a 35 USC 102 reference (Beckman Instruments,

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Inc. v. LKB Productor AB, 892 F2d 1547 (Fed. Cir. 1989)).

Thus, the claims have been amended to clarify and distinguish the invention. Applicant respectfully requests allowance of the present application in view of the foregoing amendments.

Declaration

An executed declaration is attached as required.

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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